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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,528	08/09/2001	Per Lachenmeier	0430 - 0160P	1971
2292	7590	07/08/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			TRAN, LOUIS B	
PO BOX 747			ART UNIT	
FALLS CHURCH, VA 22040-0747			PAPER NUMBER	
			3721	

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/924,528	Applicant(s) LACHENMEIER ET AL.	
	Examiner Louis B Tran	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3 and 4 recite the limitation "said pulling-off speed" in line 2 of the claims. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Lachenmeier (DE 3921190).

Lachenmeier teaches a method for packaging objects in a stack 24 and forming a foil hood harmonized to the length of said stack of goods to be packed or a band stock hose, reefing said foil hood or band stock, respectively, on several gripper means 12,13 movable in essentially a horizontal direction, of a lifting frame movable in essentially vertical direction.

Lachenmeier further shows tentering said reefed foil hood or band stock, respectively, in essentially horizontal direction by movement of said gripper means such that said tentered opening of said foil hood or band stock respectively, is larger than the contour of said stack of goods to be packed and wherein said foil hood or band stock, respectively, is expanded in essentially a horizontal direction, pulling over of said foil hood or band stock, respectively, over said stack of goods by the essentially vertical movement of said lifting frame, wherein said foil hood or band stock is pulled off from said gripper means and is expanded in essentially a vertical direction as in page 3, line 9-13 of the provided translation.

Lachenmeier shows controlling the tension of said foil hood or band stock, respectively, during tentering in essentially a horizontal direction above the upper side of said stack of goods by controlled rolling down of the foil hood or band stock from said gripper means seen in Figure 2.

With respect to claim 2, Lachenmeier teaches a method wherein said foil hood or band again is partly pulled down from said gripper means during tentering seen in Figure 2.

With respect to claim 3, Lachenmeier inherently teaches wherein said pulling off speed of said foil hood or band stock respectively, during tentering is lower than the speed of the horizontal movement of gripper means.

With respect to claim 4, Lachenmeier inherently teaches pulling off speed of said foil during pull over of said foil hood is lower than the speed of the vertical movement of said lifting frame.

With respect to claim 5, Lachenmeier teaches wherein said reefing or pulling off of said foil hood or band stock during reefing or tentering, respectively, or pulling off of said foil hood during pulling over is effected by the movement of rolls, wherein the outer surface of rolls shift said foil hood pushed onto said gripper means as seen in Figure 2.

With respect to claim 6, Lachenmeier teaches wherein said foil hood or band is held on said gripper means during an end phase of said pulling over seen in Figure 6.

With respect to claim 7, Lachenmeier teaches wherein said holding of said foil hood or band stock is effected by means of rolls which press said foil hood against said gripper means during said tentering process.

With respect to claim 15, Lachenmeier teaches wherein said reefing or pulling-off, respectively, of said foil hood or band stock, respectively, during reefing and tentering, respectively, and pulling-off of said foil hood during pulling-over is effected by the movement of rolls 16, wherein the outer surfaces of said rolls shift said foil hood pushed onto said gripper means as in Figure 2.

Conclusion

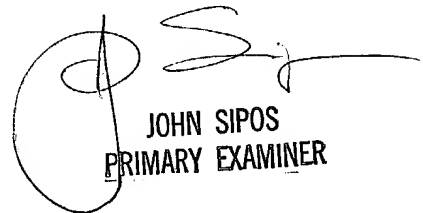
5. Applicant's remarks have been fully considered but are deemed moot in view of the new grounds of rejection.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis B Tran whose telephone number is 703-305-0611. The examiner can normally be reached on 8AM-6PM Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on 703-308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lbt



JOHN SIPOS
PRIMARY EXAMINER